

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-11, 13, and 15-21 are pending. Claims 12 and 14 are canceled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 7, 11, 15, and 17 are amended, and claim 21 is added. Claims 1, 11, and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Allowable Subject Matter**

The Examiner states that:

Claims 5-10 and 15-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants appreciate the Examiner's early indication of allowable subject matter. In response, the allowable subject matter of objected-to claim 7 is incorporated into independent claim 1, and claim 7 is amended to properly depend from claim 1.

Also, objected-to claim 7 is rewritten in independent form including all of the limitations of the base claim 1, and presented herein as added independent claim 21.

Further, as indicated below, independent claim 11 is amended herein to recite a novel combination of elements not suggested by the reference cited by the Examiner.

Therefore, independent claims 1, 11, and 21 are in condition for allowance.

**Claim for Priority**

It is gratefully acknowledged that the Examiner has recognized the Applicants' claim for foreign priority.

**Acknowledgement of Information Disclosure Statement**

It is gratefully acknowledged that the Examiner has acknowledged the Information Disclosure Statement filed on December 26, 2003.

**Specification Amendment**

The specification is amended to correct a typographical error.

**Rejection Under 35 U.S.C. §102(b)**

Claims 1-4 and 11-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Fujii et al. (U.S. Patent 5,172,788). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 is amended herein to recite a combination of elements directed to a seat rail structure, including a heat shielding plate for an engine exhaust muffler overlaps the seat rail from above; and a seat mounting member which mounts the seat thereon, or the at least one cross member overlapping the heat shielding plate for the engine exhaust muffler from above.

In addition, independent claim 11 is amended herein to recite a combination of elements directed to a seat rail structure, including an upper front cross member, a lower front

cross member, and a rear cross member, wherein at least part of the upper front cross member is disposed directly above the lower front cross member.

Applicants respectfully submit that this combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Fujii et al.

For example, Fujii et al. is silent about a heat shielding plate for an engine exhaust muffler overlaps the seat rail from above; and a seat mounting member which mounts the seat thereon, or the at least one cross member overlapping the heat shielding plate for the engine exhaust muffler from above (as set forth in claim 1); and

an upper front cross member, a lower front cross member, and a rear cross member, wherein at least part of the upper front cross member is disposed directly above the lower front cross member (as set forth in claim 11).

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Fujii et al.

Therefore, claims 1 and 11 are in condition for allowance. Further, the dependent claims are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

All claims are now in condition for allowance.

Conclusion

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

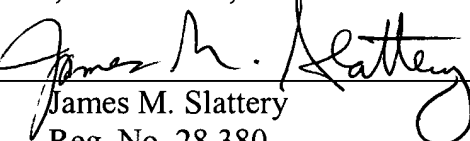
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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